

**CITY OF WILMINGTON**  
**PLANNING COMMISSION WORK SESSION MINUTES**  
**Wednesday, September 2, 2020**

A work session of the Wilmington Planning Commission was held on **Wednesday, September 2, 2020 at 3:30 p.m.** in the Wilmington Convention Center, 10 Convention Center Drive, Wilmington, NC. Those present at the Convention Center included:

**Members Present**

Chairman Richard Collier  
Vice-Chairman Jeff Hovis

**Staff Present**

Mr. Ron Satterfield, Assistant Planning Director  
Mr. Shawn Evans, Assistant City Attorney  
Ms. Amy Bradshaw, Planning Coordinator

The following members and staff were present via video conference:

**Members (Remote Presence)**

Mr. Bruce Bowman  
Ms. Candy Cortes  
Ms. JC Lyle  
Mr. Al Sharp  
Mr. Ron Woodruff

**Staff (Remote Presence)**

Mr. Glenn Harbeck, Director of Planning, Development and Transportation (PDT)  
Ms. Christine Hughes, Senior Planner  
Mr. Brian Chambers, Senior Planner  
Ms. Kathryn Thurston, Zoning Administrator  
Ms. Megan Upchurch, Associate Planner  
Mr. Rob Gordon, Plan Review Engineer  
Mr. Fredric Royal, Stormwater Manager  
Ms. Anna Reh-Gingrich, Interim Watershed Coordinator

Due to Session Law 2020-3 signed into law by the Governor of North Carolina, effective May 4, 2020, provisions were enacted to ensure compliance with the new legislation regarding remote meetings.

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Chairman Collier called the meeting to order at 3:32 p.m. and explained to the members and the public that this meeting would be a discussion only regarding updates to Article 4, Environmental Regulations, and that no votes would be taken during the meeting.

Mr. Ron Satterfield, Assistant Planning Director, provided a presentation on Article 4, Environmental Regulations, which outlined the regulations and changes to stormwater management, floodplain management, conservation resource and exceptional design criteria. He reminded everyone that the

Create Wilmington Comprehensive Plan was used as the basis of the rewrite and that the main areas that were changed within the section related to traffic calming measures, block sizes, open space requirements, and increasing connectivity. Mr. Satterfield said that several other staff members assisted with the development of this article and are available to answer questions.

Mr. Satterfield prefaced his presentation by saying that staff has received comments from the Business Alliance for a Sound Economy (BASE), which expressed concerns about the impacts of the proposed changes to redevelopment and development of the remaining undeveloped parcels in the city. Although staff has responded to BASE, the presentation will address those concerns as well.

Mr. Satterfield began his presentation by discussing the proposed changes to the Stormwater Redevelopment Standards. He said that the city already honors the amended stormwater rule, which was adopted in December 2018. He explained that the rule requires increased stormwater controls only when new impervious surface exceeds the existing impervious surface prior to redevelopment.

Mr. Satterfield said that as part of these standards, staff proposes that projects within one-half mile draining into Bradley Creek will be subject to the requirements of the SA (Market Shellfishing, Salt Water) Surface Water Classification. He explained that Bradley Creek is the only non-SA stream in the region that drains directly into the Intracoastal Waterway, and is a highly degraded creek/stream within the city. If adopted, the water classification of Bradley Creek, as established by the State, will not change. However, the proposed change would apply a higher water quality treatment standard to properties in the vicinity. He explained that Bradley Creek drains into waters that are too impaired for shell fishing and recreation. Furthermore, placing the standards on Bradley Creek would assist in the goal of reopening these waters to shell fishing and recreation supported by the Bradley and Hewletts Creek Watershed Restoration Plan.

Mr. Satterfield said that staff proposes no significant changes for floodplain regulations since City Council adopted revised floodplain standards as required by the State in 2018.

He then provided a summary of proposed changes to Conservation Resource Regulations, which are designed to protect important environmental resources and promote higher water quality. He described the various types of conservation resources that would be included in these standards, such as 404 wetlands (more upland); coastal wetlands (adjacent to the coastal waters and tidally influenced); and primary nursery areas (habitat for shell fish and juvenile fish).

Mr. Satterfield said that staff proposes that resource setback distances be changed to be the same for residential and non-residential development. He noted the Land Development Code (LDC) update also intends to clarify the list of conservation resources. He added that the reason for the modifications is to ensure commercial projects meet more stringent stormwater requirements, and, in most cases, not flow towards a vegetated buffer for filtration; although most properties adjacent to the coastal wetlands are residential, not commercial. He also pointed out the proposed the area where setbacks begin for calculation purposes and the maximum encroachment percentage.

Mr. Satterfield gave an overview of the proposed modifications to the required vegetated buffer standards for measurement, encroachments, and retention of trees. He displayed a table and illustration that depicted the proposed modifications. He noted that no changes are proposed for water-dependent structures.

Regarding Exceptional Design Criteria, Mr. Satterfield said that these standards would allow a development to exceed 25% of impervious surfaces if development meets the identified site design criteria. He noted that this would apply to projects classified as watershed resource protection or conservation resource on the 2006 CAMA Land Classification Map. He said the proposal would reduce the total amount of allowable impervious surface from 75% to 50% on the site with two exemptions:

1. New development or redevelopment that has achieved or will achieve within six months of completed construction the LEED (Leadership in Energy and Environmental Design) designation at silver level or above; or
2. Proposed redevelopment that does not increase the amount of impervious surface preexisting on the site prior to redevelopment.

Before Mr. Satterfield explained how the criteria would be reworked, he pointed out the difficulty of determining the criteria in the current code. He noted that a point system/scaled criterion would be available for developers to increase the amount of impervious surface on their site from 25% to a maximum of 50%. Although the criteria focus primarily on improving stormwater, the proposed modifications attempt to clarify and improve the usability of the options, as well as expand them by adding opportunities for improvements in addition to stormwater.

Mr. Satterfield explained that there would be two categories: Category A limited to 10 total points, and Category B carrying additional points. The options for points in Category A include hurricane resistant windows for Category 4 or stronger hurricanes, planting native vegetation, providing more open space than required, and increasing the critical root zone protection of trees from one-foot diameter at breast height (dbh) to 1.5 feet dbh. The options in Category B include use of pervious or grass paving systems, installing green or blue roofs, elevating the bottom floor of buildings in floodplains higher than the required two-foot freeboard, installing all parking under the building, and constructed wetlands.

He said that solar panels have also been added to the table at the request of Council, but that staff continues to evaluate the criteria in the list to ensure that the points are achievable and that the options are viable.

In conclusion, Mr. Satterfield said that exceptionally designed project standards remain opt-in rather than required. He reiterated that the standards would continue to apply only to Resource Protection and Conservation land classifications identified on the 2006 CAMA Map.

Chairman Collier expressed appreciation to Mr. Satterfield for the thorough presentation and opened the floor to questions from the commissioners.

Commissioner Cortes asked why staff had focused on Bradley Creek. Mr. Satterfield responded that all other creeks and waterways within the city are already subject to the SA water standards.

Interim Watershed Coordinator Anna Reh-Gingrich added that Bradley Creek is also part of the watershed protection plan.

Commissioner Bowman requested that staff be mindful of clarifying the metrics for exceptional design. Mr. Satterfield responded that staff would review the language with that in mind.

Commissioner Sharp inquired about the reasoning for the reduction in conservation resource setback requirements. Mr. Satterfield explained that since most properties along the coastline are residential

and commercial projects have more stringent stormwater requirements, the 70 feet calculation was determined by making it twice the 35-foot buffer width.

Commissioner Bowman commented that the proposed changes seem to offer a simplification and lessen the need for developers to hire their own naturalist.

Chairman Collier inquired about the definition of the primary nursery area and the source of the map. Mr. Satterfield responded that this information was provided by the NC Division of Water Quality.

Chairman Collier suggested that the source be noted to ensure that everyone is referencing the same information. Plan Review Engineer Rob Gordon confirmed that the intention is to use the state's maps as a reference.

In response to an inquiry by Mr. Sharp, Mr. Satterfield said that Smith Creek is not designated by the state and therefore would not be designated by the city's code.

Commissioner Cortes expressed concerns about decreasing the buffer requirement from 75 feet to 70 feet. A discussion followed regarding buffer standards in the context of conservation resource setbacks and the additional requirements for an exceptional design project within the primary nursery area. Mr. Satterfield concluded that staff would conduct additional research regarding the buffer requirements for conservation resource areas and exceptional design projects.

Chairman Collier requested a clarification regarding the exceptional design criteria using an amount of impervious surface versus density. Mr. Satterfield responded that the goal is to focus on the amount of impervious surface and to move away from using density as a measure.

Mr. Gordon said that no rationale exists for a 50% limit on impervious surface. He added that no limit exists for pervious surface if the criteria can be met to obtain credit for it.

Associate Planner Megan Upchurch said that the 50% limit in sensitive areas requires a larger development to use pervious pavement to catch the runoff in sensitive areas. She pointed out that this may require developers to use pervious materials.

Chairman Collier requested to see the percentage closer to a 60%-62% range. Mr. Satterfield responded that staff would evaluate the criteria to ensure that it would be beneficial to developers and development.

In response to an inquiry by Commissioner Collier, Ms. Upchurch explained that a blue roof is a type of spongy material that absorbs water and drains it off through an internal system. She said she would provide additional information to the commissioners regarding the process used for blue roofs.

During discussion regarding the point system for exceptional design criteria, Mr. Satterfield clarified that points equal percentage points, and noted that staff would clarify it in the code. Also, he pointed out that the evaluation criteria are still under review and suggestions are included as they are made.

Commissioner Bowman recommended that the language regarding hurricane or Category 4 windows be made consistent with the industry standards for impact resistance. Mr. Satterfield asked Commissioner Bowman to provide the language for it and its source.

Chairman Collier asked about the stormwater regulations. Mr. Gordon said that staff is codifying the state's requirements, which address water quality standards and now requires that credit be given for predevelopment conditions. He said that if the impervious amount increases for redevelopment, the developer would be required to meet water quality and quantity standards for the increased amount.

Commissioner Sharp expressed concerns regarding navigating the stormwater regulations in Article 4 for different areas of the city. Chairman Collier pointed out that a development or design professional would be able to navigate the regulations. He commented that the regulations are intertwined. Mr. Satterfield responded that the regulations would be discussed and guided by staff and design professionals during the site development process.

Commissioner Sharp inquired if environmental regulations would be a deterrent to redevelopment. Mr. Satterfield said that staff would review best practices for redevelopment with Article 5, Site Design Standards. He pointed out that since 80% of the city is built out, redevelopment is the next step.

Commissioner Bowman requested a simplified check list for design professionals to reference particular chapters or sections for additional information.

Commissioner Lyle inquired about the payment in-lieu calculations for stormwater. Mr. Satterfield responded that the calculations would be covered in Article 8, Definitions. He noted that cross-references will be reviewed and added as the draft progresses.

Chairman Collier reviewed the article, division by division. Additional discussion followed on the chart that outlines the vegetative buffer requirements. Commissioner Bowman asked about regulations for owners to maintain private drainage ditches and pathways; to keep them clear of vegetative debris. Mr. Satterfield responded that this is not addressed in the LDC.

Zoning Administrator Kathryn Thurston said that an unmaintained stormwater control device that is part of a site plan would be in violation of the site plan. In which case, Zoning Enforcement would send a notice of violation.

In response to an inquiry by Commissioner Sharp, Mr. Gordon said that stormwater retention ponds are part of the permitting process. He noted that an agreement is issued with the permit and is binding. He added that inspections are conducted regularly, and any clogging or maintenance concerns would be addressed through the inspection process. Assistant City Attorney Shawn Evans pointed out that quite a few older developments that were annexed to the city are unable to regulate their stormwater systems.

Commissioner Bowman asked staff about the guidelines that will come before the Planning Commission regarding the Central Business District (CBD) and requested an update on the historic preservation language that was to be removed. Ms. Hughes responded that City Council was somewhat reluctant to remove the preservation provision, which were not having the desired effect. However, restoring them will cause no harm. She noted that staff hopes to present better standards and tools to address issues in the CBD to preserve its resources. Commissioner Sharp asked for the existing language. Ms. Hughes responded that it can be found in Section 18-196 of the current City Code and in the annotated Table of Contents as well.

Mr. Satterfield recommended that the work session scheduled for September 9, 2020 be canceled since the Commission has completed review of the current article.

There being no further discussion, Chairman Collier adjourned the meeting at 5:01 p.m.

Respectfully submitted,

Amy Bradshaw  
Planning Coordinator

*Please note: The minutes are not a verbatim record of the proceedings.*